

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated August 25, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13 are pending in the Application. Claims 2 and 10 are canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications.

In review of the Final Office Action, it is noted that although claim 10 is indicated as rejected in the Office Action summary, there is no stated basis for the rejection contained in the rest of the Final Office Action. Accordingly, it appears that claim 10 is allowable over U.S. Patent Publication No. 2005/0126007 to Aviva ("Aviza"). Should this assumption be in error, the Applicants respectfully request a further Office Action to provide the Applicants with an opportunity to respond.

Applicants have elected to add the subject matter of claim 10 substantially into claims 1, 9 and 13.

Aviza shows a razor assembly including an exfoliating element

24 that adjusts in relation to blades 18 (see, FIG. 2). As is clear from Aviva, the exfoliating element 24 is positioned such that the exfoliating element 24 contacts a skin portion prior to the blades 18. Aviv further shows a guard 20 positioned next to the exfoliating element 24 and prior to the blades 18.

It is respectfully submitted that the apparatus of claim 1 is not anticipated or made obvious by the teachings of Aviza. For example, Aviza does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "one or more blades disposed between said two guiding members, wherein a cutting edge of each blade and said surfaces of said two guiding members are positioned substantially in one plane, and the apparatus having a grip portion connected to said blade assembly, wherein at least one of the two guiding members is an adjustable guiding member that is adjustable in a direction perpendicular to said plane and wherein the adjustable guiding member is adjustable to a lowermost position where the surface of the adjustable guiding member is in said plane, wherein the adjustable guiding member is a lubricating member and wherein another of the two guiding members is a skin stretching member and wherein the adjustable guiding member is positioned to contact a

portion of skin after the one or more blades" as recited in claim 1, and as similarly recited in claim 9 and 13.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 9 and 13 are patentable over Aviza and notice to this effect is earnestly solicited. Claims 2-8, 10-12 respectively depend from one of claims 1 and 9 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

For example, the Final Office Action has taken a position that Aviva shows almost every structural limitation of the claims but "lacks a spring means for pushing the guiding means into the frame. However, the Examiner takes Official notice that such spring means are old and well known in the art and provide various well known benefits including to provide a desired biasing action to facilitate movement of a component." This position is respectfully traversed. As a first point, Aiviv does show a spring 37 (see, FIG. 2A), however, unlike the present system, such as claimed in claims 7 and 8, the spring 37 biases the exfoliating member 24 in an upward direction (see, paragraph [0065]). Accordingly, the biasing action desired by Aviva is in contrast to that as recited in claims 7 and 8. While the Final Office Action has chosen to take official notice of a spring, it is submitted that no evidence of a

spring means for pushing the adjustable guiding member into the frame against movable adjustment means is provided. Further, even in the Official Notice, it is not explained why one would be moved to replace the spring of Aviva with another oppositely biased spring. Accordingly, should this position be maintained in a further Office Action, it is requested that a reference be provided evidencing this position to provide the Applicants with an opportunity to review the prior art and respond.

Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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